**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.3495 of 2004.**
**IN**
**FIRST APPEAL ST.NO. 49537 OF 2003.**

| Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Shri S.N.Gawade, A.G.P. for the Applicant.

**CORAM : ABHAY S.OKA, J.**

**DATED : 31st January, 2007.**

**P.C.:**

1. Heard the learned A.G.P. for the State.

2. The impugned Judgment and Award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned Judgment and Award will remain stayed till the final disposal of the First Appeal subject to condition of the Applicant depositing the entire amount due and payable as per the impugned Award with the Reference Court within a period of twelve weeks from today. If the deposit of entire amount is not made within stipulated time, the interim

stay granted will stand forthwith vacated without further reference to the Court.

4. If the amount as aforesaid is deposited, the Claimants will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference court. The Reference Court will hear the Applicant before accepting the security.

5. Civil Application is disposed of in above terms.

6. Liberty to the Respondents to apply for modification of this order as the same is passed without issuing notice of this Application.

**Judge.**